

**ENTERED**

March 06, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

MARY OCHOA

Plaintiff,

VS.

ALLSTATE VEHICLE AND PROPERTY  
INSURANCE COMPANY

Defendant.

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Civil Case No. 7:23-cv-00425

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the February 17, 2025 Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Bray. (Dkt. No. 29). Judge Bray made findings and conclusions and recommended that Defendant's Motion for Summary Judgment, (Dkt. No. 13), be denied. (Dkt. No. 29).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Bray's M&R (Dkt. No. 29) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant's Motion for Summary Judgment, (Dkt. No. 13), is **DENIED**.

It is SO ORDERED.

Signed on March 6, 2025.

Drew B Tipton  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE